

No. 3811

**POLAND
and
CZECHOSLOVAKIA**

**Communications Agreement. Signed at Prague, on
13 January 1956**

Official texts: Polish and Czech.

Registered by Poland on 12 April 1957.

**POLOGNE
et
TCHÉCOSLOVAQUIE**

**Accord relatif aux communications. Signé à Prague, le
13 janvier 1956**

Textes officiels polonais et tchèque.

Enregistré par la Pologne le 12 avril 1957.

[TRANSLATION — TRADUCTION]

No. 3811. COMMUNICATIONS AGREEMENT¹ BETWEEN
THE POLISH PEOPLE'S REPUBLIC AND THE
CZECHOSLOVAK REPUBLIC. SIGNED AT PRAGUE,
ON 13 JANUARY 1956

Considering the general development of economic co-operation between Poland and Czechoslovakia, particularly in the fields of maritime and inland waterway navigation and railway transport, the State Council of the Polish People's Republic and the President of the Czechoslovak Republic have decided to replace the Polish-Czechoslovak Communications Agreement, signed at Prague on 4 July 1947,² by a new communications agreement designed to meet the present economic requirements of the two States and have appointed for that purpose as their plenipotentiaries :

The State Council of the Polish People's Republic :

Mr. Mieczysław Popiel, Minister of Navigation;

The President of the Czechoslovak Republic :

Mr. Antonín Pospíšila, Minister of Communications,

who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

SECTION I

SEA TRANSPORT

Article 1

(1) The two Contracting Parties shall, in accordance with their economic requirements, create the conditions necessary for the proper utilization of Polish and Czechoslovak sea-going vessels.

(2) Poland shall, in accordance with its economic requirements, provide in Polish seaports the facilities necessary for Czechoslovakia to derive the greatest possible benefit from those ports.

Article 2

(1) Merchant vessels flying the Czechoslovak flag, hereinafter referred to as « Czechoslovak vessels », shall be permitted to use Polish seaports as technical shipping bases.

¹ Came into force on 14 September 1956, the date of the exchange of the instruments of ratification at Warsaw, in accordance with article 27.

² United Nations, *Treaty Series*, Vol. 85, pp. 62 and 262.

(2) In particular, Poland shall make available to Czechoslovak vessels space for the storage of materials necessary for their operation and maintenance, and shall permit them to use the repair services in workshops and dockyards and all other technical and classification services and to take on the necessary supplies of fuel, food, water, etc.

Article 3

(1) Czechoslovak vessels, vessels chartered by Czechoslovak undertakings and the cargoes of such vessels shall be accorded in Polish seaports and in Polish internal maritime waters and territorial waters the same treatment as Polish vessels and cargoes.

(2) The vessels mentioned in the preceding paragraph shall not be entitled to engage in coastal shipping, fishing or any other maritime operation in Polish internal maritime waters and territorial waters, nor shall they perform in Polish ports and roadsteads and on beaches such functions as piloting, towing, salvage and subsidiary services.

Article 4

Without prejudice to the provisions of article 5, the vessels mentioned in article 3 (1) shall be subject in Polish seaports and in Polish internal maritime waters and territorial waters to the provisions of Polish law, especially the provisions concerning public order and security, customs, foreign exchange, public health, veterinary services, plant protection, etc.

Article 5

(1) The national character of Czechoslovak vessels shall be determined in conformity with the provisions of Czechoslovak law.

(2) In Polish seaports and in the internal maritime waters and territorial waters of the Polish People's Republic, Czechoslovak vessels shall be subject to the provisions of Czechoslovak law concerning the fitting-out, installation, rescue equipment, measurements and seaworthiness of vessels, provided that those provisions do not conflict with the generally accepted principles of international law.

(3) Czechoslovak vessels shall not be subject in Polish seaports to any new measurement requirements and the amounts of port charges shall be determined on the basis of the measurement certificate issued or recognized by the Czechoslovak authorities.

Article 6

(1) Each of the Contracting Parties shall be entitled, in accordance with the economic requirements of the two States, to establish and maintain in the territo-

ry of the other Contracting Party undertakings the activities of which are connected with sea transport, provided that such undertakings comply with the legal provisions in force in that territory.

(2) Undertakings of either Contracting Party which engage in activities connected with sea transport may, provided that they comply with the conditions mentioned in the preceding paragraph, establish and maintain in the territory of the other Contracting Party enterprises, agencies, branches and other places of business.

Article 7

As regards free access to ports, commercial facilities granted in connexion with vessels and their cargoes, the facilitation of loading and discharging and the like, Poland shall accord to the Czechoslovak undertakings and places of business specified in article 6 the same treatment as it accords to Polish undertakings and places of business.

Article 8

(1) In effecting shipments of merchandise, the undertakings of the two Contracting Parties specified in article 6 shall act in close economic co-operation. Such co-operation shall also extend to mutual assistance and collaboration in the purchase, construction and repair of vessels, in the storage of cargoes, in giving assistance in the case of accidents, in the replacement of crew shortages and in granting *pratique* to sea-going merchant vessels.

(2) The scope and conditions of the co-operation referred to in the preceding paragraph shall be agreed upon by the above-mentioned undertakings. Where necessary, such undertakings shall hold joint consultations.

SECTION II

TRANSPORT ON INLAND WATERWAYS

Article 9

(1) Each of the Contracting Parties shall grant inland navigation undertakings of the other Contracting Party the right to use specified inland waterways in its territory for the conveyance of goods, passengers and baggage between the two States and for transit traffic.

(2) Transport routes shall be determined by special agreement.

Article 10

Navigation on the inland waterways of either Contracting Party shall be open to vessels which are registered at a port of one of the Contracting Parties and which conform to the technical shipping standards required on the waterway concerned.

Article 11

Inland navigation vessels of either Contracting Party may use the inland ports of the other Contracting Party as technical shipping bases.

Article 12

(1) Vessels of either Contracting Party shall be subject to the legal provisions in force in the territory which they are traversing.

(2) The shipping traffic organized in the territory of one of the Contracting Parties by an inland navigation undertaking of the other Contracting Party shall be subject only to the restrictions arising out of legal provisions regarding public order and security, customs, public health, veterinary services and plant protection.

Article 13

In the event of accident, collision or other like occurrence, the two Contracting Parties shall give each other all possible assistance, including assistance in workshops and shipyards. The amount of assistance thus given shall be sufficient to enable the vessel concerned to return safely to its own waterways system.

Article 14

Ship's documents and documents concerning crews issued by the competent authorities of one of the Contracting Parties shall be recognized by the other Contracting Party.

Article 15

The inland navigation undertakings of either Contracting Party may establish and maintain in the territory of the other Contracting Party :

- (a) Representatives' offices, agencies and branches;
- (b) Repair yards; and
- (c) stores of technical supplies and materials,

provided that they comply with the legal provisions in force in that territory.

Article 16

As regards the use of river and sea ports, specific transport routes, repair possibilities, supplies and the like, each of the Contracting Parties shall accord to the vessels and cargoes of inland navigation undertakings of the other Contracting Party and to their places of business as specified in article 15 the same treatment as it accords to the vessels and cargoes of its national undertakings and to their places of business.

SECTION III

RAILWAY TRANSPORT

Article 17

With a view to the further improvement of railway communications and the proper utilization of rolling stock, each of the Contracting Parties shall :

- (a) Endeavour to ensure convenient railway connexions for mutual and transit communications;
- (b) Ensure the speedy completion of all formalities connected with the conveyance of passengers, baggage and goods through frontier crossings and, by mutual agreement, endeavour to simplify those formalities in such a manner that trains shall pass through frontier stations with the minimum of delay;
- (c) Provide for the rapid, safe and regular railway transport of passengers, baggage, goods and express consignments;
- (d) Arrange for the speedy return of railway cars of the other Contracting Party which are present in its territory.

Article 18

The two Contracting Powers shall endeavour to fix the number of routes and frontier crossings, as well as the time-tables, that shall ensure the most favourable conditions for railway transport.

SECTION IV

JOINT PROVISIONS

Article 19

Each Contracting Party shall submit to the other Contracting Party all plans concerning the transit of goods through its territory.

The volume of goods covered by such plans shall be determined by mutual agreement, with due regard to the economic requirements of the country effecting transit and to the capacity of the means of transport and installations at the disposal of the country through which transit is effected.

Article 20

Undertakings and places of business of each of the Contracting Parties, as specified in articles 6 and 15, shall be entitled to employ in the territory of the other Contracting Party nationals of either Contracting Party and nationals of third countries, subject to the regulations concerning the crossing of the State frontier and residence in the territory of the other Contracting Party.

Article 21

Holders of Czechoslovak seamen's books and, in the case of navigation on inland waterways, holders of boatmen's books or persons whose names have been entered therein, shall be entitled to cross the State frontier at places designated for that purpose, in conformity with the provisions stipulated in a special agreement.

Article 22

(1) Undertakings and places of business of each Contracting Party, as specified in articles 6 and 15, shall be exempt in the territory of the other Contracting Party, on a basis of reciprocity, from taxes on income from and turnover of transport activities in the territory of the other Contracting Party and from taxes on their property in that territory.

(2) Save as provided by special agreements, the above-mentioned exemption shall not apply to any activity which is not directly connected with transport effected by the undertakings and places of business specified in the preceding paragraph or to any non-transit transport which they may effect between river ports of the other Contracting Party (cabotage).

Article 23

(1) Subject to compliance with the regulations concerning public order and security, health, and animal and plant protection, the two Contracting Parties shall grant each other mutual exemptions from customs duties and customs charges and from restrictions on imports and exports in respect of :

- (a) Sea-going and non-sea-going vessels with standard equipment and fittings, spare parts, instruments, fuel, lubricants in quantities corresponding to normal requirements, food supplies for the crew and other necessary supplies for use on the vessel;
- (b) Cargoes imported by any means of transport belonging to one of the Contracting Parties and conveyed through the territory of the other Contracting Party;
- (c) Articles conveyed for the equipment, maintenance or repair of sea-going or non-sea-going vessels and articles imported for the equipment of shipping undertakings or their representatives' offices, agencies, branches or other places of business with a view to conducting shipping business.

(2) Detailed provisions concerning the customs exemptions referred to in the preceding paragraph shall be drawn up by agreement between the customs authorities of the two Contracting Parties.

(3) The customs authorities of the two Contracting Parties shall reach a mutually satisfactory agreement regarding customs concessions and exemptions to be granted to members of crews and the members of their families importing articles for personal use.

Article 24

(1) The exemption from customs duties and customs payments shall not apply to fees for services.

(2) Articles which have been exempted from customs duties and customs payments may not be resold to any other person in the territory into which they have been imported. The customs authorities may take measures to ascertain whether such articles have been used for the declared purpose.

(3) The customs offices of the country of transit may examine any transit cargo or order that it be accompanied by an official guard.

Article 25

In order to ensure that this Agreement is duly carried into effect and to create conditions conducive to the further development of co-operation, the interested authorities and the undertakings of the two Contracting Parties shall hold joint consultations; such consultations shall be called at the request of either Party.

SECTION V

FINAL PROVISIONS

Article 26

If at any time during the term of this Agreement either of the Contracting Parties asks for a revision of all or any of the provisions thereof, the other Contracting Party shall be bound to open negotiations not later than three months from the date of submission of a proposal for revision.

Article 27

This Agreement is subject to ratification and shall enter into force on the date of the exchange of the instruments of ratification, which shall take place at Warsaw.

Article 28

This Agreement is concluded for a period of five years from the day of its entry into force. It shall be automatically extended for successive periods of five years, unless one of the Contracting Parties denounces the Agreement not later than one year before the expiry of any given five-year period.

Article 29

This Communications Agreement shall supersede the Polish-Czechoslovak Communications Agreement signed at Prague on 4 July 1947.

On the entry into force of this Agreement, all Polish-Czechoslovak agreements concluded in connexion with the aforesaid Communications Agreement of 4 July 1947 shall cease to have effect.

This Agreement was drawn up at Prague on 13 January 1956, in duplicate, in the Polish and Czech languages, both texts being equally authentic.

IN FAITH WHEREOF the aforesaid plenipotentiaries have signed this Agreement and have affixed thereto their seals.

For the Polish People's
Republic :
M. POPIEL

For the Czechoslovak
Republic :
A. POSPÍŠILA